

EXTRAORDINARY

भाग II — खण्ड 2 PART II — Section 2 प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha dt. 25th August, 2000.

BILL No. 74 of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. The Act may be called the Constitution (Amendment) Act, 2000.

Short titlé.

2. In article 171 of the Constitution, in clause (3), for sub-clause (c), the following sub-clause and Explanation thereto shall be substituted, namely:—

Amendment of article 171.

"(c) as nearly as may be, one-twelfth shall be elected by electorate consisting of persons who have been for at least three years engaged in teaching in any recognised educational institution within the State.

Explanation:—In this sub-clause, the expression "recognised educational institution" means educational institution which is recognised by the Union Government or the Government of a State;".

At present, only teachers who are teaching in secondary schools and above are eligible to vote in the elections to the legislative Council from the Teacher's Constituencies. The main object of making representation of teachers in the Legislative Council is to ensure that the problems of all categories of teachers could be effectively redressed in the legislative forum. However, the purpose is completely defeated as large number of teachers teaching in the recognised/affiliated primary and middle level schools have been denied the opportunity of casting of their votes in these elections. It is, therefore, necessary to provide an opportunity to all teachers irrespective of the standard to which they are teaching to elect their representative in the Legislative Council.

Hence this Bill.

New Delhi; March 20, 2000. K. BASAVANA GOUD

BILL No. 132 of 2000

A Bill further to amend the Deposit Insurance and Credit Guarantee Corporation Act, 1961:

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:-

1. This Act may be called the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2000.

Short title.

47 of 1961.

43 of 1950.

2. In section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (hereinafter referred to as the principal Act), in clause (g), the following proviso shall be inserted, namely:-

Amendment of section 2.

"Provided that if any person has more than one account held jointly with one or more depositors, each account shall be treated as a separate account for the purposes of this Act.".

3. In section 16 of the principal Act, in sub-section (1),—

Amendment of section 16.

- - (i) for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that where two or more depositors have more than one account held jointly in their names, each account shall be treated as a separate account for the purposes of this Act."

(ii) in the third proviso, for the words "the aforesaid limit of one thousand and five hundred rupees", the words "the limit of one lakh rupees", shall be substituted.

At present, deposits made in banks are insured upto rupees one lakh. Earlier the limit was only Rs. 30,000/-. But after persuasion from all quarters, the limit was increased to rupees one lakh in 1993.

As per the provision of the Act, persons having joint and different accounts are treated as one entity and in the same capacity and right. Even the two separate accounts of husband and wife (second signatory is spouse) are treated as combined account if the name of the spouse is mentioned as second name in the account. As a result of this, irrespective of accounts and money held by depositors jointly in their names, the insurance cover is limited to Rs. one lakh only.

In certain joint accounts, the amount of deposit may be more than rupees one lakh. But by virtue of this provision, the insurance cover has been limited. This situation has put several depositors at a loss. This is a glaring loophole in the Deposit Insurance and Credit Guarantee Corporation Act, 1961. The Bill seeks to plug the loophole.

New Delhi; July 17, 2000. KIRIT SOMAIYA

Clause 3 of the Bill provides that limit of insurance cover will be available for different accounts held jointly by depositors by treating them as separate accounts. This may involve additional expenditure in some cases. A precise estimate cannot be made,

It is likely that an annual recurring expenditure of rupees ten crore may be involved. No Non-recurring expenditure is likely to be involved.

BILL No. 126 of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Amendment of article 316.

- 2. In article 316 of the Constitution, in clause (2),—
 - (i) for the words "six years", the words "four years" shall be substituted; and
- (ii) for the words "sixty-five years", the words "sixty-four years" shall be substituted.

At present, a member of a Public Service Commission holds office for a term of six years from the date on which he enters upon his office or until he attains the age of sixty-five years in case of a Union Commission and sixty-two years in case of a member of State or Joint Commission. In order to provide opportunities to experienced administrators and to make recruitment impartially, it is advisable to reduce the tenure of the member of a Commission to four years instead of six years. In most of the States, the retirement age is fifty-eight years and in the case of Central Government it is sixty years. Therefore, a person who is appointed at the age of fifty-eight years and appointed as a member of a State or Joint Commission will be able to serve four years or until he attains the age of sixty-two years and appointed as a member of Commission will complete his four years term at the age of sixty-four years. Since six years is a very long period for each person as a member of the Commission, these amendments are very much necessary. Moreover, uniformity in the tenure of members of both Union/State Service Commission is also necessary.

Hence this Bill.

New Delhi; July 17, 2000 K. BASAVANA GOUD

BILL No. 131 of 2000

A Bill to provide for life insurance of unorganised workers.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and extent.

- 1. (1) This Act may be called the Unorganised Workers Insurance Act, 2000.
 - (2) It extends to the whole of India.

Definitions.

- 2. In this Act, unless there is anything repugnant in the subject or context:---
- (a) "dependant" means a person as defined in the Workmen's Compensation Act, 1923;

8 of 1923.

- (b) "prescribed" means prescribed by rules made under this Act;
- (c) "unorganised worker" means a worker who is engaged in any industry which is not organised and includes a worker who is engaged in construction work, hotel industry, small establishments, service sectors or who work as labourers on contract basis or work as cleaners/drivers or such work as may be prescribed.

Government to frame Insurance Scheme.

- 3.(I) The Central Government shall frame an Insurance Scheme for unorganised workers.
- (2) The Government and the employer of unorganised workers shall contribute separately to the Insurance Scheme at the rate of ten percent. of the wages payable to each of the unorganised workers employed by the employer.
- (3) The expenditure on the enforcement of the Insurance Scheme shall be borne by the Central Government and the unorganised workers shall not be required to contribute anything to the Insurance Scheme.

Payment of insurance amount to the dependants of the organised workers.

4. The Central Government shall pay rupees one thousand per month as insurance amount to the dependant of an unorganised worker, who die while in service, out of the Fund of the Insurance Scheme.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

The unorganised workers of the country are the worst sufferers security-wise. They are meagerly paid by their employers. The amount they get is not even sufficient for their subsistence. Naturally, they are unable to make provisions for their near and dear ones out of their wages.

They suffer a slow death leaving their off springs at the mercy of this unkind world. At the work-sites, where they are made to work, the working conditions are always dangerous and often they die in accidents. Since, they do not belong to any organised sector, they do not get any facilities and they are not represented at any level. As such their grievances are neither heard nor resolved. They do not have any union/association to represent their interest. Their nature of job is such that they cannot form unions.

Therefore, Government of a welfare State should protect their interests.

New Delhi;

ANANDRAO VITHOBA ADSUL.

July 24, 2000.

Clause 3(1) of the Bill provides for the framing of an Insurance Scheme for the unorganised workers. Clause 3(2) provides that the Government and employer of unorganised workers shall each contribute ten percent. of the wages payable to each of the unorganised workers to the Insurance Scheme. Clause 3(3) provides that the expenditure on the enforcement of the Insurance Scheme shall be borne by the Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred errore per annum.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 128 of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

- 2. In Article 81 of the Constitution, in clause (2), in sub-clause (b), for the words "each State", the words "subject to the provisions of article 213A, each State" shall be substituted.
- Amendment of article 81.
- 3. In article 170 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

Amendment of article 170.

- "2(a) for the purposes of clause (1), each State shall be divided into territorial constituencies and for this purpose administrative units formed under article 213A shall form the basis.
- (b) every administrative unit formed under article 213A shall be further divided into territorial constituencies and it shall be ensured that the whole part of a territorial constituency falls within the jurisdiction of an administrative unit:

Provided that division of territorial constituencies shall be made in such a manner that the ratio between the population of each constituency and the number of seats allotted to administrative unit shall, so far as practicable, be the same:

Provided further that such readjustment shall not affect the representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Explanation.—In this clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Insertion of new article 213A 4. In Part VI of the Constitution, after Chapter IV, the following Chapter and article thereunder shall be inserted, namely:—

"CHAPTER VIA"

ADMINISTRATIVE UNIT

Administrative unit.

- 213A. (1) Every State shall be divided into administrative units.
- (2) Every administrative unit shall be the territorial constituency of the House of the People.
- (3) Every administrative unit shall be divided into district or districts, as the case may be.
- (4) While forming a district, it shall be ensured that whole part of a district falls within the jurisdiction of an administrative unit concerned and shall not fall within the jurisdiction of another administrative unit.

At present, every State is divided into districts for better administration. However the area of a district does not synchronise with the area of constituency of the House of the People/State Assembly. Whereas some part of a district falls within jurisdiction of a constituency of either Lok Sabha/Assembly, the remaining part of the district falls within the jurisdiction of another constituency. This creates confusion and hurdles in plans and projects. Moreover, now-a-days under Local Area Development Schemes Members of Parliament and Legislative Assembly can recommend schemes upto certain amount in their constituencies. Since their constituencies spread to two or more districts in parts, plans and projects are not executed properly.

Therefore, it is suggested that Parliamentary constituency shall form the basis of an administrative unit and districts should be formed out of this. And also the constituencies of Legislative Assemblies should be divided in accordance with area and population of an administrative unit. This will pave way for not only better administrative but uniform development of all districts. The constituencies can be delimited without affecting the strength of the Legislative Assembly.

The Bill, therefore, seeks to amend the Constitution with a view to making provision for forming of administrative units which will be territorial constituencies for the Lok Sabha for better administration and management.

New Delhi; July 24, 2000 ANANT GANGARAM GEETE

Clause 4 of the Bill provides for division of districts of an administrative unit. It is likely that some districts may have to be formed. The Bill therefore will involve expenditure from the Consolidated Fund of India in respect of infrastructure and other facilities for districts to be newly formed in respect of Union Territories.

Moreover, there is a provision of delimitation of territorial constituencies of Legislative Assemblies.

It is likely that an annual recurring expenditure of about rupees one hundred crore may be involved. A non-recurring expenditure of about rupees two hundred crore may also be involved.

BILL No. 129 of 2000

A Bill further to amend the Constitution of India.

 $B_{\rm E}$ it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000

Short title.

2. In Part V of the Constitution, after Chapter V, the following Chapter and articles thereunder shall be inserted, namely:—

Insertion of new article 151A.

"CHAPTER VI. COMMITTEE TO MONITOR FUNDS

151A. (1) There shall be established a Committee to monitor the utilisation of funds allocated to a State or a Union territory by the Union.

Constitution of new Committee

(2) The Committee constituted under clause (1) shall comprise the following namely:—

- (i) a Chairman, who shall be Deputy Chairman of the Planning Commission; and
- (ii) four other members who shall represent Rural and Urban Development, Planning, Finance and Audit and Accounts, to be appointed by the Union.
- (3) The terms and conditions of appointment, salaries, allowances and other conditions of service of members shall be such as may be determined by Parliament by law.

Functions of the Committee

- 151B. The Committee shall perform the following functions:—
- (i) to monitor whether funds allocated to a State or a Union territory by the Union are utilised properly for the purpose for which they were allocated;
 - (ii) to ensure that funds are utilised within specified period; and
 - (iii) to suggest measures for proper and effective utilisation of funds.

Powers of the Committee.

- 151C. The Committee shall have power to:-
- (i) call for any information, document or record from any State or a Union territory which are required in connection with its duties;
- (ii) investigate into any complaint regarding diversion or misutilisation of funds; and

Submission of statement and account by Committee.

151D. The Committee shall submit a statement and accounts containing details of utilisation of funds by each State and Union territory within three months from the release of funds by way of first instalment.

Release of funds on the recommendation of the Committee.

- 151E. (1) The Union shall release the funds in instalments to a State or a Union territory for any purpose on the recommendation of the Committee.
- (2) The funds allocated to a State or a Union territory for any purpose shall not be released in case a State or Union territory fails to submit the account of utilisation of funds to the Committee.

Suggestions and recommendations of the Committee. 151F. The Union shall carry out the suggestions and recommendations of the Committee.

Annual report of the Committee.

151G. The Committee shall submit an annual report to the Union about its activities during a year and the Union shall cause the same to be laid before both Houses of Parliament."

The Central Government allocates funds in huge quantities to State Governments and Union territories for various schemes. However, the funds are not utilised by States properly and in time. Instances of diversion of funds for other purposes like payment of salary to employees, purchase of vehicles, furniture, etc. have come to notice. Thus, Government money is grossly wasted and misused by State Governments. As a result, the schemes for which funds were allotted are not implemented. Due to financial mismanagement, money allotted for various schemes are misused by States. At present, there is no check or any sort of control for monitoring of these funds.

With this in view, it is proposed to amend the Constitution to set up a Committee to monitor the utilisation of funds by State Governments. The proposed measure will check to a great extent misuse of funds. The State Governments which are not complying with directions of the Committee will not be allocated any more funds for any scheme.

Hence this Bill.

New Delhi;

ANANT GANGARAM GEETE

July 25, 2000.

Clause 2 of the Bill provides for establishment of a Committee to monitor the utilisation of the funds allocated to a State or a Union territory by the Union Government. The Committee shall consist of the Deputy Chairman of Planning Commission and four other members. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees twenty five lakh is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved.

BILL No. 140 of 2000

A Bill to make provision for compulsory military training for college students in the country.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training for College Students Act, 2000.

Short title, extent and commencement,

- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;
 - (b) "training" means military training.

Compulsory military training for all able bodied students. 3. Military training for a period as may be prescribed, shall be compulsory for all able-bodied male students of all recognised colleges in the country:

Provided that in case of girl students the military training shall be voluntary:

Provided further that all able-bodied college students shall have to pass the prescribed examination fixed for the purpose.

Formulation of a scheme.

4. The appropriate Government shall formulate a scheme and establish necessary institutions throughout the country to give effect to the provisions of section 3.

Coordination cell

- 5. (1) The Central Government shall set up a coordination cell comprising senior officers of the Ministry of Human Resource Development and the Ministry of Defence to maintain coordination among the Government of States, administrators of the Union territories for carrying out the provisions of this Act.
- (2) The Ministry of Defence shall provide necessary assistance to impart military training to the college students throughout the country and review the shortcomings of military training from time to time.

Expenditure incurred on military training

6. The appropriate Government shall bear expenditure incurred on military training, in such manner and proportion, as may be prescribed.

Today our country is facing not only external threats but also internal threats from terrorists and divisive forces. One of our neighbouring countries has occupied a major part of our Jammu and Kashmir State. Since, 1947, our country has been invaded by neighbouring countries more than four times. At present, a proxy war has been waged through terrorism or insurgency by enemy countries in different parts of our country. In this situation it has become imperative to impart compulsory military training to all ablebodied students in colleges in order to instill a sense of nationalism in their mind from beginning and prepare them to meet any challenge in future.

New Delhi; *July* 24, 2000.

CHANDRAKANT KHAIRE

Clause 4 of the Bill provides for formulation of scheme and establishment of necessary institutions for imparting military-training to college students. Clause 6 provides that the Central Government shall bear expenditure incurred on military-training as may be prescribed. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one crore per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crore is also likely to be involved from the Consolidated Fund of India.

BILL No. 136 of 2000

A Bill to make home-guard training compulsory for all able-bodied persons.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Compulsory Home-Guard Training Act, 2000.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. Home-guard training for a period of not less than two years shall be compulsory for all able-bodied persons who have attained the age of eighteen years and not crossed the age of twenty-five years:

Provided that persons enrolled in the Territorial Army, the Border Security Force, the Central Reserve Police Force, the Central Industrial Security Force, the Indo-Tibetan Border Police or any other para-military force, shall be exempted from the provisions of this section.

Short title, extent and commencement.

Compulsory home-guard training for all able-bodied persons. Scheme to establish Institutions. Utilisation of services of trained persons during natural calamities, etc.

Scholarship and other incentives to those persons whose service have been utilised.

- 3. The Central Government shall formulate a scheme to establish necessary institutions to give effect to the provisions of section 2.
- 4. (1) The Central Government may utilise the services of persons who have been given home-guard training during natural calamities, accidents or mishaps or on such other occasions as the Central Government may deem fit.
- (2) Every person whose services have been utilised under sub-section (1) shall be given a certificate by the Central Government.
- 5. Every person who has been given a certificate shall be entitled to the following incentives, namely:—
 - (i) scholarships for higher education;
 - (ii) preference in employment;
 - (iii) preference in allotment of plots/house sites;
 - (iv) preference in any other scheme launched by Central or a State Government; and
 - (v) loans at concessional rates for self-employment from banks and financial institutions.

Home-guard training instils a sense of discipline and develops mental robustness and physical fitness in the youth and prepares them for better citizenship. It also enables the State to draft the youth as a second line of defence in times of threats to the security of the country and for relief operations during the national calamities like floods, cyclones, earth-quakes, famines, etc.

No doubt there is provison for National Cadet Corps training in some schools and colleges but the scheme in operation is neither comprehensive nor compulsory for the students.

The country needs a comprehensive scheme under which all able-bodied persons should undergo home-guard training for a specified period, before they take up their respective vocations.

Hence incentives have been provided to persons whose services are utilised by the Government in order to encourage them to join and actively participate in nation building activities.

Hence this Bill.

New Delhi; July 24, 2000. CHANDRAKANT KHAIRE

Clause 2 of the Bill provides for home-guard training to all able-bodied youth. Clause 3 provides for setting up of necessary institutions. Clause 5 provides for scholarships and other incentives to youth whose services have been utilised.

The Bill, therefore, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum. A non-recurring expenditure of rupees three thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for formulating a scheme for imparting compulsory home-guard training to all able-bodied persons. The scheme has to be administered by the Government of India. The delegation of legislative power is of a normal character.

BILL No. 134 of 2000

A Bill to provide certain facilities and amenities to bachelors.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Bachelors' Allowance Act, 2000.

Short title, extent and commencement.

- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. For the purposes of this Act, the term 'bachelor' shall apply to any person who Definition. is:
 - (a) a citizen of India;
 - (b) not below the age of twenty one years and not above fifty years;

(c) not married and has not undergone any kind of marriage or betrothal in any form which is recognised as marriage either legally or socially and who does not undergo any kind of marriage till the age of fifty years.

Bachelor to swear before a first class Magistrate. 3. Any person mentioned in section 2 shall be considered for the grant of benefits and facilities by the Government of India enumerated hereinafter provided he or she swears before a first class Magistrate that he or she has not undergone any kind of marriage or bethrothal which is recognised as a marriage either legally or socially in the country.

Amenities to be provided.

- 4. The following amenities shall be provided to a bachelor by the Government:—
- (a) an allowance of rupees five hundred per month irrespective of the fact whether the bachelor is an employee or not;
- (b) a bachelor shall be given priority in the allotment of land sold by the Government or other bodies for the construction of residential buildings and also preference shall be given to him or her in the purchase of houses constructed by the Government or other bodies;
- (c) free medical facilities and also re-imbursement of the expenditure incurred for treatment in any hospital, nursing home, etc. which he or she has chosen for treatment;
- (d) if the bachelor is a Government employee, at least three additional increments shall be given to him or her in addition to the pay and allowances in the respective grades prevailing from time to time and Government accommodation shall be given to him or her forthwith;
- (e) if otherwise found, qualified a bachelor shall be considered on top priority basis for going abroad for advancement of career;
- (f) a bachelor who has completed the age of fifty years and does not marry even thereafter, shall be given free accommodation to live in the old age.

Undertaking to be given by a bachelor.

5. The amenities to be provided to a bachelor under section 4 shall be admissible if he or she gives an undertaking that he or she shall not marry at least till the age of thirty-five years.

Bachelor marrying after thirty five years not to get facili6. Any bachelor marrying after the completion of thirty five years of age shall not be entitled thereafter to the amenities enumerated in section 4.

Deprival of all facilities and punishment for violation of undertaking.

- 7. (1) Any bachelor violating the undertaking shall be deprived of all facilities.
- (2) Any person who violates the undertaking shall be punished with imprisonment for a term of ten years and a fine of rupees fifty thousand.

Power to make rules

- 8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The population of India is rising in a geometrical ratio. The Government has made several experiments in the form of compulsory family planning, etc. in the past to check the growth of population at a rapid pace but there were adverse criticisms from several sections in the country and the people also did not relish the measures, though many of them tried these. As a result the growth of population could not be arrested.

Since the economic condition is becoming worse day by day and it is risky to have more children, if the Government encourages the people of India to marry late by offering several benefits in the form of cash or kind and also gives incentives to them not to marry, keeping in view the economic pressure on the country, then there might be a check on the growth of population as marrying late will mean less children. The measures enumerated in the Bill are positive and hence it is expected that there will be favourable response from the educated youth in the country who are either unemployed or living on a meagre existence.

The Bill in other words seeks to pura check on population growth.

New Delhi;

CHANDRAKANT KHAIRE

July 24, 2000.

Clause 4 of the Bill provides for giving several amenities to the bachelors in cash and otherwise. Hence, expenditure will be involved from the Consolidated Fund of India which tentatively will be to the tune of rupees five hundred crore recurring per annum. A non-recurring expenditure of rupees one hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill delegates the power to the Central Government to frame rules for carrying out the purposes of the Bill. Since the Bill covers only the board outlines and covers only the important aspects on which legislation is necessary, the detailed rules have not been mentioned in the Bill.

The delegation of legislative power is of a normal character.

BILL No. 143 of 2000

A Bill to provide for population policy and for promoting small family norm and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Policy Act, 2000.

(2) It automake to the subole of India

(2) It extends to the whole of India.

Short title, extent and commencement.

- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. In this Act, unless the context otherwise requires, "appropriate Government" means the Central Government in relation to Union territories and the State Government in relation to a State.

Definition.

3. A married couple who have no child shall be provided with the following facilities:—

Facilities to a married couple who have no child.

(a) free two room house;

- (b) out of turn promotion to those who are in Government/State/Public Undertaking service or any other organisation connected with the Government; and
 - (c) free medical treatment, food, pension, etc. in their old age.

Incentives for adopting small family norm.

- 4. A married couple who have only one child and voluntarily undergo sterilisation shall be given the following facilities:—
 - (a) two bed room house at concessional rates;
 - (b) free education including technical education, to the child;
 - (c) out of turn promotion to those who are in Government service and one time cash reward of rupees twenty-five thousand to those who are not in Government service; and
 - (d) employment to the child after completion of his education.

Facilities to a couple who have two children.

- 5. A married couple who have two children and if either of them voluntarily undergo sterilisation shall be given the following facilities:—
 - (a) free education to both children;
 - (b) job to one child;
 - (c) preferential allotment of house under Government housing schemes; and
 - (d) two extra increments to those who are in Government service and one time cash reward of rupees five thousand to those who are not in Government service.

No person shall procreate more than two children. 6. No person after one year from the commencement of this Act shall procreate more than two children.

Introduction of subject relating to population control in schools. 7. The appropriate Government shall introduce a compulsory subject relating to population control in all educational institutions for all children who have attained the age of fifteen years irrespective of course they are pursuing.

Age for marriage.

8. No marriage shall be solemnised between a male who is less than twenty-eight years of age and a female who is less than twenty-five years of age.

No increment or promotion to an employee who violates the provision of section 8. 9. Any Central or State Government employee who violates the provision of section 8 shall not be given any increment or promotion during the tenure of his service.

undertaking to be given by Government employees.

10. On and from the commencement of this Act, every employee who is in service in connection with affairs of the appropriate Government shall give an undertaking that he shall not procreate more than two children.

Undertaking to be given by members of Parliament and State Legislature. No free mater11. A member of either House of Parliament or Legislature of a State shall give an undertaking that he shall not procreate more than two children.

State Legislature. No free maternity facilities for procreation of third child. Disincentives for violation of

the provisions

of this Act.

- 12. In any Government hospital, free maternity facilities shall not be provided for procreation of third child.
- 13. Any person who procreates more than two children after one year from the commencement of this Act shall not be entitled to following facilities:—
 - (i) essential items from public distribution system;

- (ii) allotment of house from a housing scheme sponsored by Government; and
- (iii) availing of any welfare or social security scheme.
- 14. Every family, within three months from the date of commencement of this Act, shall register all details of members of that family with the Registrar of Births and Deaths in the concerned jurisdiction.

Registration of family with the registrar of births and deaths

15. Every birth or death of any person in a family shall be compulsorily registered with the registrar of Births and Deaths in the concerned jurisdiction.

Every birth and death shall be compulsorily registered with the Registrar.

16. The Registrar of Births and Deaths shall forward the names and other details of those persons who procreate more than two children after one year from the commencement of this Act to the appropriate Government.

Details of persons who procreate more than two children to be forwarded to Government.

17. (1) There shall be constituted a fund to be called the National Population Fund by the Central Government.

Constitution of National Population Fund.

- (2) The Central Government and every State Government shall contribute to the fund in such ratio as may be prescribed by the Central Government.
- 18. The fund constituted under section 17 shall be utilised for the following purposes:—
 - (i) giving of national population control award to the State Government or Union territory which has recorded the least population growth during the year;
 - (ii) giving wide publicity through print and electronic media regarding need for population control; and
 - (iii) providing funds to popularise the family planning programmes.
- 19. Any person who is running his own company, firm society or corporation, if violates the provisions of the Act shall not be allowed to avail himself of any loan or facility of any kind from any Government company or financial institution.

No loan facilities to a person who violates the provision of the Act.

- 20. The provisions of this Act shall apply notwithstanding anything contained to the contrary in any other law for the time being in force.
- 21. The provisions of this Act shall not apply to persons who are having more than two children on the date of commencement of this Act.

Act to have over-riding effect.

Provisions of

this Act not to apply to those

persons who have more than two children on the date of commencement of this Act.

22. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

For the last fifty years, India has doubled its population and by the turn of the century India shall have three out of ten most populous cities in the world, and half the population of these cities would be living in slums under squalid conditions. It is expected that within another 10—20 years, India will be the most populous country in the world. Without massive public contributions for air pollution control and perspective planning, living conditions in all urban areas will progressively deteriorate.

The breakdown of the civic amenities due to over crowding, law and order situation, unemployment and widening of the gap between the haves and haves-not has progressively created an explosive situation. The need for housing is far beyond the available finances and educational facilities are hopelessly inadequate to meet the existing demands. There is no balance between population growth and the infrastructure and available opportunities with the existing resources and it will not be possible to meet the demands of growing population.

The country has achieved the production targets but due to over population it is becoming insufficient and the progress of the country is hampered.

Therefore, the time has come when strong measures have become essential and if such measures are not taken at the earliest. it will create a havoc. Therefore, the Bill seeks to provide for a new population policy.

Hence this Bill.

New Delhi; July 24, 2000 UTTAMRAO DHIKALE

Clauses 3 to 5 of the Bill provides that certain benefits are to be given to those who have no child or who have one child or who have two children. Clause 7 provides for introduction of compulsory subject relating to population control in all educational institutions. Clause 17 provides for establishing National Population Control Fund to which the Central Government shall also contribute. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union territories. The State Governments will incur expenditure in respect of their State out of their respective Consolidated Funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees one thousand crore out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL No. 135 of 2000

A Bill to provide for issue of multi-purpose identity cards to the citizens of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and commencement

- 1. (1) This Act may be called the Citizens (Identity Card) Act, 2000.
- (2) It shall come into force on such date as may be appointed by the Central Government for the purpose.

Definitions.

- 2. In this Act unless the context otherwise requires,—
- (a) "citizen" means a citizen of India as defined under the Citizenship Act, 1955; and

57 of 1955.

(b) "Prescribed" means prescribed by rules made under this Act.

Issue of identity cards to all citizens.

3. (1) It shall be duty of the Central Government to issue identity card to every citizen of the country within a period of six months from the date of commencement of this Act.

- (2) The identity card issued under sub-section (1) shall contain the following information, namely:---
 - (a) full name in capital letters with latest photograph of the citizen;
 - (b) date of birth;
 - (c) permanent address;
 - (d) temporary address, if any;
 - (e) business or occupation;
 - (f) educational qualification;
 - (g) blood group;
 - (h) identification marks like mole, etc;
 - (i) total income;
 - (i) whether income tax payee or not; and
 - (k) remarks column.
- (3) The identity card to be issued shall be prepared in the manner to be prescribed under the rules.
- (4) The identity card issued under sub-section (1) shall be conclusive proof for the purposes of determining the age and residence of the citizen.
- 4. (1) If there is any change in the particulars of the identity card, a citizen may, in writing bring it to the notice of the authorities set up for the purpose by the appropriate Government in this behalf.

Provision for change in identity cards.

Duty of citizens to give

details of birth/ death in the family.

Provision for

surrendering of identity cards.

- (2) On receipt of an application under sub-section (1), the authorities shall issue a duplicate card or replace the existing particulars with new particulars on the basis of application from the citizen.
- 5. It shall be the duty of every citizen to bring it to the notice of authorities set up for the purpose about birth or death in the family.
- 6. If a citizen is leaving the country for a period exceeding one year or intends to settle abroad permanently, he shall surrender the identity card to the authorities concerned.
- 7. Notwithstanding anything contained in any other law for the time being in force, a citizen who does not hold an identity card shall not be entitled to the benefit of any scheme of the Central Government, the State Government or a corporation or an undertaking of either the Central or the State Government.
- for not holding identity card.
- 8. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, the rules may provide for all or any of the following matters, namely:-
 - (a) the manner in which publicity shall be given to the provisions of the Act so as to enable the people to get their identity cards prepared;
 - (b) the size and shape of the identity card, the photograph to be affixed to the same and of the letters to be used therein;
 - (c) the authority or the authorities empowered to issue the identity card; and
 - (d) the authority or authorities empowered to make entries in the remarks column and the nature of remarks to be made.

Disincentive

Power to make rules.

Although India is a vast country with almost 100 crore population, the need to provide indentity cards to each and every citizen, despite tremendous task and labour involved in it, cannot be side-lined.

In the interest of security and integrity of the country, requirement of holding of identity card is absolutely essential. Besides, the identity card will also give to the citizens additional sense of belonging.

Moreover, identification of people by Government for various schemes would be easier. The identity cards can be used for several purposes. This will not only put a check on the illegal migrants into India but also provide a correct figure of our population. This will enable Government to formulate schemes accordingly. Since, it is provided that a citizen shall be deprived of certain facilities if he does not possess an identity card, everybody will be encouraged or rather motivated to possess one.

Hence this Bill.

New Delhi; July 24, 2000. CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for issuing of identity card to every citizen of the country. Clause 4 provides for setting up of authorities for issue of identity cards or duplicate cards as the case may be. Clause 8(2) (a) provides for giving publicity to the provisions of the Act so as to enable the people to get their identity cards issued. The major expenditure will be involved in getting the cards printed. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty crore per annum on account of appointment of staff who will issue the identity cards.

A non-recurring expenditure of about rupees one thousand crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8(1) of the Bill empowers the Government to make rules for carrying out the purposes of the Bill and the rules with relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 137 of 2000

A Bill to provide for participation of workers in management of every enterprise and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title, extent and commencement.

- 1. (1) This Act may be called the Participation of workers in Management Act, 2000.
 - (2) It extends to the whole of India.
 - (3) It shall come into force at once.

Definitions.

- 2. In this Act, unless the context otherwise requires:—
- (a) "association of employees" means and includes association of employees functioning in an enterprise where there is no recognised trade union or a trade union cannot be formed;
 - (b) "enterprise" means and includes,—
 - (i) any enterprise or a company wholly owned or controlled or whose affairs are managed by the Central Government or a State Government;
 - (ii) any joint sector undertaking where fifty-one percent. of shares are held by the Central Government or a State Government;
 - (iii) any statutory authority or autonomous body set up under any law made by the Parliament or the legislature of a State; and
 - (iv) any public limited company or a company registered under Companies Act, 1956 or Societies Registration Act, 1860.

1 of 1956. 21 of 1860. (c)"prescribed" means prescribed by rules made under this Act;

16 of 1926.

- (d) "representative of trade union" means and includes representative of a recognised trade union as per the provisions of Trade Union Act, 1926.
- 3. (1) There shall be a trade union in every enterprise.
- (2) The representatives of trade union shall be elected from amongst the employees of that enterprise.

Trade union in every enterprise.

4. In every enterprise only one association of employees or trade union shall be treated as a recognised trade union for the purposes of this Act.

Only one trade union shall be recognised.

5. In every enterprise, which is managed by a Board of Directors, a minimum of two representatives of trade union or association of employees shall represent the employees.

Two
representatives
shall represent
the employees
in the enterprise
which is
managed by
Board of
Directors.

6. In every meeting of the Board of Directors, participation of representatives of trade union or association of employees shall be compulsory and no meeting shall be treated as valid in which there is no participation of representatives of trade union or association of employees, as the case may be:

Participation of representatives of trade union in every meeting shall be compulsory.

Provided that the Managing Director or the Chairman of the Board of Directors of an enterprise may call a meeting of the Board in extra-ordinary circumstances without the participation of representatives of trade union or association of employees, as the case may be:

Provided further that the Chairman or Managing Director shall forward the reasons for calling such a meeting to the Central Government.

7. Where the affairs of an enterprise are managed by the head of the enterprise, it shall be obligatory for the head of the enterprise to associate the representative of the trade union or association of employees in every meeting of the enterprise.

Association of representative of employees in management.

- 8. In every enterprise, representatives of trade union or association of employees as the case may be shall have the same rights and privileges as are enjoyed by the other Directors of Board or persons in charge of the management of the enterprise, as the case may be.
- Rights and privileges of representatives of union.
- 9. The Management of every enterprise shall hold a meeting not less than one in a month with representatives of trade unions to hear their views for better management of the affairs of the enterprise.

Meeting with representatives of trade union for better management.

10. Any decision affecting the interest of employees of an enterprise shall be taken only after hearing the views of representatives of trade union or association of employees, as the case may be.

Decision to be taken in consultation with representatives.

11. This Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

Act to have overriding effect.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make

In the recent years, there has been a spurt of trade union activities resulting in loss of man days and loss to enterprises. This has resulted in slowing the economic progress. If any deep consideration is given to the background, we can easily conclude that the opinion of the representatives of employees is not taken into consideration in the management of the affairs of any enterprise. Workers are treated as outsiders and their valuable suggestions are always not considered when a decision is taken in the matter of welfare schemes of employees or any matter affecting their interests. Any enterprise can prosper only when employees are also involved in its affairs.

The Bill seeks to provide for compulsory participation of workers in management of every enterprise.

New Delhi; July 25, 2000. ANANDRAO VITHOBA ADSUL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the matters will be of administrative detail only, the delegation of legislative power is of a normal character.

BILL No. 141 of 2000

A Bill further to amend the Securities and Exchange Board of India Act, 1992.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and commencement.

- 1. (1) This Act may be called the Securities and Exchange Board of India (Amendment) Act, 2000.
 - (2) It shall come into force at once.

Insertion of new Chapter IVA.

2. After Chapter IV of the Securities and Exchange Board of India Act, 1992, the 15 of 1992. following Chapter and section thereunder shall be inserted, namely:—

"CHAPTER IVA

CONTROL OVER THE ACQUISITION OF SHARES IN ANOTHER COMPANY

Public declaration to acquire shares.

11C. It shall be the duty of the Board to ensure that irrespective of whether or not there has been any direct or indirect acquisition of shares or voting rights in a company, no acquirer shall acquire control over the company unless such person or company makes a public declaration to acquire shares at market rates prevailing on the date of acquisition of such shares:

Provided that no acquirer shall be deemed to have acquired shares or voting rights of a company unless he has purchased a minimum of twenty per cent. of shares from open market at market rates of the company.".

The Securities and Exchange Board was established in 1992 for orderly development of stock exchanges and for securing the rights of small depositors. However, it has been seen that some persons have found loopholes in the Act of 1992 to misuse the provisions. Generally companies have been taken over with less than 15% of the equity. Since the regulations made under the Act apply only when 20% of shares of a company is acquired, several cases have come to notice where voting rights have been acquired by acquiring lower percentage of shares.

This type of back door entry and injurious method of acquiring companies have put small depositors and investors at a loss and the very purpose of enacting the law has been defeated.

With a view to acquiring companies in a proper manner and for not depriving the rights of depositors, it is proposed to amend the Act suitably.

Hence this Bill.

New Delhi;

KIRIT SOMAIYA

July 25, 2000

BILL No. 127 of 2000

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and commencement.

- 1. (1) This Act may be called the Constitution (Amendment) Act, 2000.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Right to work.

"16A. Every citizen who has attained eighteen years of age shall have the right to work and in the event of failure of the State to provide any employment, he shall be entitled to an unemployment allowance at such rate as may be prescribed from time to time by public notification".

Political democracy and freedom and civil liberties without economic security is a farce. It is true that man does not live on bread alone, but it is equally true that man cannot live without bread. Right to life and liberty is meaningless without right to livelihood. Democracy will be a mere mockery if millions of unemployed youth are left uncared for without any means of livelihood, which may lead to many undesirable consequences like social unrest, terrorism, violence and crime and erosion of ethical values.

Part III of the Constitution guarantees fundamental rights to the citizens of India. But the fundamental human requirement like right to work does not find a place in the list of Fundamental Rights. This bill seeks to include in the category of Fundamental Rights, the basic human requirement of right to work, which already forms part of the Directive Principles of State Policy in Part IV of the Constitution, which is mere platitude without enforceability.

After completing fifty two years of our independence, it is high time to make right to work a Fundamental Right, since it is more fundamental for all human beings. Employment for all will be possible only when the State guarantees jobs to all able-bodied persons. The Constitution, therefore must guarantee the citizens, the right to work.

Hence this Bill.

New Delhi;

BASUDEB ACHARIA

25 July, 2000.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to work or unemployment allowance in lieu thereof. This Bill, therefore, if enacted, is likely to involve a recurring expenditure of approximately rupees five hundred crore from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be involved.

G. C. MALHOTRA, Secretary-General.